



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss

COMMISSION ADJUDICATORY
DOCKET NO. 06-0022

IN THE MATTER OF PAUL ZAKRZEWSKI

DISPOSITION AGREEMENT

The State Ethics Commission and Paul Zakrzewski enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On June 8, 2006, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict-of-interest law, G.L. c. 268A, by Zakrzewski. The Commission has concluded its inquiry and, on October 11, 2006, found reasonable cause to believe that Zakrzewski violated G.L. c. 268A.

The Commission and Zakrzewski now agree to the following findings of fact and conclusions of law:

Findings of Fact

1. Zakrzewski is an elected member of the Abington Board of Assessors.
2. Zakrzewski has known developer Roger Woods since around 1999. The two have had numerous real estate partnerships since 2000.
3. From 2001 - 2005, Zakrzewski voted, along with the other two BOA members, to approve four abatement applications filed by Woods. The abatements resulted in first-year tax savings to Woods of over \$5,600.¹ Zakrzewski himself had no interest in any of these applications.
4. At the time of each of these votes, Zakrzewski and Woods were real estate partners, although they were not partners regarding the properties that were the subjects of the four abatement applications.

Conclusions of Law

5. As an Abington BOA member, Zakrzewski was a municipal employee within the meaning of G.L. c. 268A.

6. Section 19 of G.L. c. 268A in relevant part prohibits a municipal employee from participating as such an employee in a particular matter in which, to his knowledge, a partner has a financial interest.

7. The abatement applications filed by Woods were particular matters.²

8. Zakrzewski participated³ as a BOA member, in those particular matters by voting to approve the abatement applications.

9. As the property owner, Woods, Zakrzewski's business partner, had financial interests in those particular matters.

10. When he participated in the particular matters, Zakrzewski knew that his partner Woods had financial interests in the particular matters.

11. Therefore, by acting as described above, Zakrzewski violated § 19.⁴

Resolution

In view of the foregoing violations of G.L. c. 268A by Zakrzewski, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Zakrzewski:

- (1) that Zakrzewski pay to the Commission the sum of one thousand dollars, (\$1,000.00) as a civil penalty for repeatedly violating G. L. c. 268A § 19; and
- (2) that Zakrzewski waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: November 21, 2006

¹ Zakrzewski believed that the board was obligated to approve one of the abatement applications because the initial assessment had, in his opinion, erroneously treated the property as a subdivision. On a motion by Zakrzewski, the board unanimously voted to reduce the assessment by over \$3,300.

² "Particular matter" means any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, § 1(k).

³ “Participate,” participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. G.L. c. 268A, § 1(j).

⁴ After learning at a 2005 Ethics Commission seminar that he could not participate in matters concerning a partner’s financial interests, Zakrzewski has since abstained from such cases.